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Patent  
Attorney Docket: 256/248

10,086,647

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 256/248  
First Named Inventor: KOHR, William J.  
Prior Application Information:  
Serial No. 09/650,319  
Examiner: T. McGuire Banks  
Art Unit: 1742

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

FILED UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation  divisional  continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/650,319 filed on August 29, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/212,579, filed on December 14, 1998, by

William J. Kohr, Vandy Shrader, and Chris Johansson, entitled:

**HIGH TEMPERATURE HEAP BIOLEACHING PROCESS**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

59 Page(s) of Written Description  
9 Page(s) of Claims  
1 Page(s) of Abstract  
9 Sheet(s) of Drawings  formal  informal  
2 Page(s) of  Declaration or  Declaration and Power of Attorney  
 Copy from prior application [37 CFR §1.63(d)]  
 Newly executed

Other:

LA228829.1

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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Express Mail Label No.

February 28, 2002  
Date of Deposit

Dora Demers

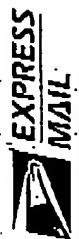
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**LYON & LYON LLP  
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Los Angeles, CA 90071**

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: William J. KOHR et al.  
Serial No.: 09/650,319  
For: HIGH TEMPERATURE HEAP BIOLEACHING PROCESS  
Filed: August 29, 2000  
**FILING UNDER 37 CFR § 1.53(b)**

Attorney(s): David A. Randall  
Docket No.: 256/248  
Date of Deposit: February 28, 2002; Express Mail No. EL 740478036 US  
Enclosure(s): Transmittal; 59 pages written description; 9 pages claims; 1 page abstract; 9 sheets formal drawings; copy of Declaration and Power of Attorney; copy of Assignment; copy of Certificate of Merger; copy of Request for Extension of Time; postcard.

LA-228877.1

**RECEIVED**  
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**FACSIMILE TRANSMITTAL FORM**

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|   |  |   |
|---|--|---|
| <b>To:</b><br>T. McGuthry Banks<br>PTO Examiner | <b>Fax Number:</b><br>(703) 308-1917       | <b>Phone Number:</b><br>(703) 872-9646    |
| <b>From:</b><br>David A. Randall                | <b>Direct Fax No.:</b><br>(213) 955-0440   | <b>Direct Dial No.:</b><br>(213) 489-1600 |
| <b>Re:</b><br>Kohr, 256/248, USSN 09/650,319    | <b>Date/Time sent:</b><br>4/30/02 10:11 AM | <b>No. of Pages:</b> 104                  |
| <b>Client Name:</b><br>GeoBiotics, Inc.         | <b>Client Matter No.:</b>                  |   |

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If you do not receive all of the pages, please call Yolanda Ybuan at (213) 489-1600, extension 3719.

**Notes/Comments:**

Attached is a copy of the Continuation application that was mailed to the PTO on February 28, 2002.

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**TO BE COMPLETED BY FAX OPERATOR**

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The present application is owned by GeoBiotics, LLC. A copy of the Assignment from the inventors to Geobiotics, Inc. recorded on December 26, 2000 at Reel 011386, Frame 0964 to 0968 against parent application Serial No. 09/650,318, filed August 29, 2000 is enclosed. Also enclosed is a copy of a Certificate of Merger from the Secretary of State for the State of Delaware certifying that Geobiotics, Inc. merged with and into GeoBiotics, LLC and which was recorded on July 23, 2001, at Reel 012002, Frame 0001 to 0005 against parent application Serial No. 09/650,319.

An Information Disclosure Statement, PTO 1449,  with copies of cited items.

Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

## II. FEE CALCULATION

Applicant claims small entity status under 37 CFR 1.27.

| <b>BASIC FILING FEE:</b>                      |       |                 |    |   |                          | \$740.00                            |          |
|---|-------|-----------------|----|---|--------------------------|-------------------------------------|----------|
| Total Claims                                  | 39    | -               | 20 | = | 19                       | x \$18.00                           | \$342.00 |
| Independent Claims                            | 2     | -               | 3  | = | 0                        | x \$84.00                           | \$0.00   |
| Multiple Dependent Claims                     | \$280 | (if applicable) |    |   |                          | <input checked="" type="checkbox"/> | \$280.00 |
| <b>TOTAL OF ABOVE CALCULATIONS</b>            |       |                 |    |   |                          | \$1,362.00                          |          |
| Reduction by 1/2 for Filing by Small Entity.  |       |                 |    |   | <input type="checkbox"/> | \$0.00                              |          |
| Misc. Filing Fees (Recordation of Assignment) |       |                 |    |   |                          | \$0.00                              |          |
| <b>TOTAL FEES DUE HEREWITHE</b>               |       |                 |    |   |                          | \$1,362.00                          |          |

## III. PRIORITY - 35 USC § 119

Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in Country is claimed under 35 USC § 119.

The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.

The certified copy will follow.

## IV. AMENDMENTS

Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

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**V. RELATE BACK - 35 USC § 120**

- The present application is a continuation of U.S. Patent Application Serial No. 09/650,319, filed August 29, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/212,579, filed December 14, 1998, now U.S. Patent No. 6,110,253.
- Relate back information included in preliminary amendment or specification.
- Please amend the specification as follows:  
[Enter continuing data here]
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

**VI. METHOD OF PAYMENT OF FEES**

- Attached is a check in the amount of \_\_\_\_.
- Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \_\_\_\_.
- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)

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### VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on December 26, 2000 in prior application Serial No. 09/650,319. A copy of which is enclosed.
- A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to David A. Randall, at the above Customer Number.

### IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending prior application until February 28, 2002. A copy of the petition for extension of time in the prior application is attached.
- A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

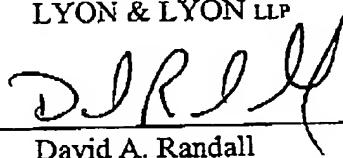
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**X. ABANDONMENT OF PRIOR APPLICATION**

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

By: 

David A. Randall

Reg. No. 37,217

Dated: February 28, 2002

Enclosures

GEOBIOTICS, LLC

Name of Assignee

12211 West Alameda Parkway, Suite 101, Lakewood, Colorado 80228

Address of Assignee

Desmond P. Kearns

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on December 26, 2000, Reel 011386, Frame 0964